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Oceans and the law of the sea

Letter dated 7 October 2014 from the Permanent Representative of China to the United Nations addressed to the Secretary-General

Upon instruction from my Government, I have the honour to transmit to you herewith China's position on the so-called "Triple Action Plan" of the Philippines to address the South China Sea issue (see annex).

I should be grateful if you could have the present letter and its annex circulated as a document of the sixty-ninth session of the General Assembly, under agenda item 74 (a).

(*Signed*) Liu Jieyi
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China's position on the so-called "Triple Action Plan" of the Philippines to address the South China Sea issue

With regard to the untrue statements and groundless accusations against China in the letter of the Philippines and its annex (A/69/401), the Chinese side has to make the necessary response to clarify the facts.

1. Huangyan Island is an inherent part of the territory of China. According to a series of international treaties that set out the limits of the territory of the Philippines, Huangyan Island has never been within the territory of the Philippines. In April 2012, a Philippine naval warship harassed by force Chinese fishermen conducting regular operations in the waters around Huangyan Island. China was compelled to take measures to enhance its administration of Huangyan Island and its surrounding waters.

2. The Philippines has illegally occupied a number of the islands and reefs of China's Nansha Islands since the 1970s and has constructed and upgraded airports, wharves, schools and other facilities on them. In recent years, the Philippines has also attempted to build fixed facilities on Ren'ai Reef, carrying out additional reef occupation. Should such a move by the Philippines be allowed to go unchecked, it would constitute a perilous precedent.

3. According to relevant international and domestic laws, in order to protect fishery resources and the marine environment, the Chinese Government is entitled and obligated to take relevant administrative measures.

4. The Philippines has engaged in long-term unilateral oil and gas exploitation activities in part of the waters disputed by China and the Philippines. The Chinese side is firmly opposed to this. At the same time, China has exercised the utmost restraint, and not conducted any oil and gas exploration in the disputed waters.

5. The Philippines announced its air defence identification zone back in the 1950s. China has made no announcement of such a zone in the South China Sea.

6. The Philippines asserts that China claims sovereignty over nearly the entire South China Sea through the nine-dash line. That is a complete distortion of China's position. China's position on the South China Sea issue is clear and consistent. China's sovereignty and relevant rights and claims in the South China Sea have been formed over the long course of history, and upheld by successive Chinese Governments. While resolutely upholding its sovereignty and relevant rights in the South China Sea, China has remained committed to resolving the disputes, on the basis of respect for historical facts and international law, through negotiation with the sovereign countries directly concerned, and to upholding the freedom and safety of navigation in the South China Sea.

7. In disregard of the fact that the essence of the disputes between China and the Philippines concerns sovereignty over islands and reefs and the delimitation of maritime boundaries, the Philippines has initiated international arbitration against China and abused the United Nations Convention on the Law of the Sea, in breach

of the Declaration on the Conduct of Parties in the South China Sea and agreements between China and the Philippines in relevant bilateral documents to resolve their territorial and jurisdictional disputes through friendly consultations and negotiations China has expressed on many occasions its position of non-acceptance of and non-participation in the aforementioned arbitration.

It is therefore abundantly clear that on the South China Sea issue, China has abided by law, been reasonable and exercised restraint. It is the Philippines that has been bent on provocation.

It must also be pointed out that the root cause of the disputes between China and the Philippines in the South China Sea is the illegal occupation of a number of the islands and reefs of China's Nansha Islands since the 1970s by the Philippines in violation of the Charter of the United Nations and the basic norms governing international relations. China has been firmly opposed to this illegal occupation by the Philippines. At the same time, bearing in mind the larger picture of China-Philippines relations and regional peace and stability, China has demonstrated the utmost restraint and goodwill, and remained committed to resolving the disputes through bilateral consultations and negotiations.

The Philippines' "Triple Action Plan" to address the South China Sea issue and its unwarranted accusations against China's activities within the scope of its sovereignty, sovereign rights and jurisdiction are completely groundless and misleading, and will only further complicate and aggravate the situation. The Philippine plan, if put into practice, will undermine the sanctity and efficacy of the Charter of the United Nations and the Declaration on the Conduct of Parties in the South China Sea, cast a shadow over and impede the implementation of the Declaration and the consultations on a "code of conduct", and impair efforts to uphold peace and stability in the South China Sea, promote maritime cooperation and resolve relevant disputes.

China agrees with and advocates the "dual track" approach proposed by countries of the Association of Southeast Asian Nations (ASEAN) to address the South China Sea issue, i.e., that specific disputes are resolved through negotiations between the parties directly concerned, while China and ASEAN countries work together to maintain peace and stability in the South China Sea. Being fully consistent with the spirit enshrined in the Declaration, this approach represents the only right path to properly handling and seeking a just and durable solution to the South China Sea issue. China will remain committed to the comprehensive and effective implementation of the Declaration, work together with the relevant parties to manage differences, promote maritime cooperation and joint development, and transform the South China Sea into "a sea of peace, friendship and cooperation".